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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY	
(IN RE BAYSIDE STATE PRISON LITIGATION)	Civil Action No. 1:09-CV-3341
MARCO MENDEZ	<b>SPECIAL MASTER PROCEEDING</b>
Plaintiff,	
v.	
WILLIAM H. FAUVER, et al.,	<b>ORDER</b>
Defendants.	

WHEREAS, the Special Master determined that based upon the representation of Plaintiff, through his counsel, that the Plaintiff's case was scheduled to be heard on Monday, May 18, 2010; and

WHEREAS, plaintiff's counsel represented to the Special Master that the Plaintiff was advised, and presented evidence of same, that Plaintiff was required to appear before the Special Master at 9:30 a.m. on Monday, May 18, 2010 to have his case heard before the Special Master; and

WHEREAS, on Monday, May 18, 2010, the Plaintiff failed to appear or otherwise advise the Special Master or his counsel why he could not be in attendance; and

WHEREAS, based upon the record of May 18, 2010 and the fact that the Plaintiff failed to appear to have his case heard before the Special Master on Monday, May 18,

2010, the Special Master recommended to the District Court that the claims of the Plaintiff, Marco Mendez, be dismissed with prejudice, as more fully stated on the record.

NOW THEREFORE, IT IS ON THIS 12 DAY OF May  
**ORDERED** that pursuant to the recommendations of the Special Master as stated hereinabove, the complaint and allegations brought before the Court by the Plaintiff, Marco Mendez in the above-captioned matter are hereby dismissed with prejudice.

  
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HON. ROBERT B. KUGLER, U.S.D.J.